

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

LYNNETTE FRARY, et al.,

Plaintiffs,

v.

COUNTY OF MARIN, et al.,

Defendants.

Case No. [12-cv-03928-MEJ](#)

**ORDER RE: REQUEST FOR LEAVE
TO FILE MOTION FOR
RECONSIDERATION**

Re: Dkt. No. 115

On October 7, 2014, the Court continued the briefing and hearing schedule for three pending motions: Defendants' Motion for Summary Judgment (Dkt. No. 98), Plaintiffs Lynette Frary and Jamie Ball's Motion for Order Distributing Proceeds (Dkt. No. 108), and Plaintiff Jamie Ball's Petition for Order Approving Compromise of Minor's Claim (Dkt. No. 109). Order, Dkt. No. 114. The Court continued the hearing from November 6 to December 4, 2014, with oppositions due on October 30 and replies due November 13. The continuance came at the request of Plaintiff Heather Howard's counsel. Dkt. No. 110.

Defendants have now filed a Motion Requesting Leave to File a Motion for Reconsideration of the Court's Order. Dkt. No. 115. In their Motion, Defendants note that trial of this matter is set for February 9, 2014 and pre-trial materials including Motions in Limine and Joint Pretrial Statement are due on November 21, 2014. Dkt. No. 92. Defendants argue that counsel's motion to change time violates the requirements of Civil Local Rules 6-3 and 7-9, and that counsel should not be rewarded for his failure to comply with the case management schedule, to which the parties stipulated, as such failure prejudices the parties who adhere to the schedule.

Defendants' points are well taken. However, despite these apparent shortcomings, the Court finds it best to proceed on the merits of the case. Accordingly, the revised briefing and

1 hearing schedule shall remain in effect. However, all other pretrial and trial dates are hereby
2 VACATED pending resolution of the pending motions.

3 **IT IS SO ORDERED.**

4
5 Dated: October 7, 2014



MARIA-ELENA JAMES
United States Magistrate Judge